



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 162

In re Application of
Adrian C. Ravenscroft
Serial No. : 08/873,484
Filed : January 12, 1997
For : Stent Delivery System

: DECISION ON PETITION
: TO WITHDRAW
: HOLDING OF
: ABANDONMENT
:

This is a decision on petitioner's request filed July 16, 2001, to review the holding of abandonment mailed January 19, 1999, for failure to respond to the Office action mailed June 11, 1998. The basis for the request is that applicant did not receive the Office action mailed June 11, 1998. There is no fee required for this petition.

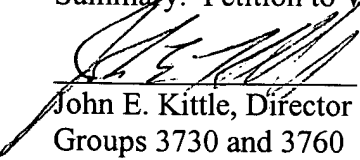
It is first noted that the petition received July 16, 2001 came in as an attachment to a status letter filed on the same date and is a copy of a petition filed January 10, 2001. The status letter included a PTO stamped receipt indicating receipt of the petition on January 10, 2001. It is further noted that the instant petition is the second such petition. The first petition filed February 18, 1999 was denied in a decision mailed March 22, 1999. The decision indicated that the Office action of June 11, 1999, had been mailed to the correct address of record at the time. The decision also indicated that if the original addressee never received the Office action, then a proper showing by that party would be needed to overcome the presumption of delivery.

In order to overcome the presumption of delivery of an Office action, a practitioner must submit the following: (1) a statement from the practitioner stating that the Office action was not received by practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket record indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. See 1156 OG 53.

The request filed July 16, 2001 does not include items (2) and (3) listed above. Petitioner has submitted only a declaration from an employee of the law firm originally holding the power of attorney for the instant application attesting to the fact that the Office action in question was not received. As the request does not include items (1) and (2), the request to withdraw the holding of abandonment is **denied**.

Upon the mailing of this decision, the instant application will be forwarded to the Office of Petitions for consideration of the alternative petition under 37 CFR 137(b) filed with the instant petition.

Summary: Petition to Withdraw the Holding of Abandonment Denied.


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